IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 4605 of 2005

Between:

State of Andhra Pradesh, Rep. by The Mandal Revenue Officer,
Amberpet, (Previously Musheerabad Mandal) Hyderabad.

..... PETITIONER

AND

Chittaranjan S/o. Venkataiah
R/o. H.No. 2-2-1108/7/B, (Archana Bhavan)

Near Tilaknagar Hospital, Hyderabad. **.....RESPONDENT**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or directions more particularly one in the nature of writ of Certiorari calling for the records from the Order dt. 4-10-2002 in LGA No.3 of 2002 on the file of the Special Court under A.P. Land Grabbing (Prohibition) Act, 2002 and set aside the same, as the same is illegal, arbitrary and in violation of Principles of natural justice and consequently declare the respondent as land grabber by declaring the petitioner as owner of the land, and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of case.

Counsel for the Petitioner: GP FOR ASSIGNMENT

Counsel for the Respondent: None appeared.

The Court made the following :

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ORDER: (PER HON'BLE SRI JUSTICE B.SUDERSHAN REDDY)

The State of Andhra Pradesh, represented by the Mandal Revenue Officer, Amberpet, is the petitioner in this writ petition filed under Article 226 of the Constitution of India, challenging the order passed by the Special Court under the A.P. Land Grabbing Prohibition Act (for short 'the Act') in L.G.A.No.3 of 2002 whereunder the Special Court having re-appreciated the evidence available on record concurred with the conclusions and findings of the Special Tribunal constituted under the Act in O.P.No.932 of 1990 dated 27-06-2001. The Special Tribunal as well as the Special Court concurrently found that the petitioner miserably failed to establish that the respondent had grabbed the land. Such concurrent findings of fact are not interfered with by this Court, more particularly, when such findings are based on appreciation of the evidence available on record.

It is not the case of the petitioner that the Tribunal below failed to take into consideration any particular piece of evidence. In such view of the matter, we are not inclined to interfere with the concurrent findings.

Be it as it may, the writ petition itself has been filed after a period of more than 2 ½ years after the appellate Court disposed of the appeal preferred by the petitioner. The explanation offered in paragraph 8 of the affidavit is not convincing and satisfactory.

Viewed from any angle, we find no merit in the writ petition and the same shall accordingly stand dismissed without any order as to costs.

B. SUDERSHAN REDDY, J

16th March 2005

C.V.RAMULU, J

LUR/KS

Copy to:

1.The Mandal Revenue Officer,
Amberpet, (Previously Musheerabad Mandal)

rep. State of Andhra Pradesh, Hyderabad.

2. Two CD copies.